

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: AUTOZONE, INC., WAGE AND HOUR
EMPLOYMENT PRACTICES LITIGATION**

Lynnetta Ellison v. AutoZone, Inc., et al.,
C.D. California, C.A. No. 2:11-07686

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MDL No. 2159

**CONDITIONAL TRANSFER ORDER (CTO-2)
AND SIMULTANEOUS SEPARATION AND REMAND OF CERTAIN CLAIMS**

On June 15, 2010, the Panel transferred two civil actions to the United States District Court for the Northern District of California for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* 717 F.Supp.2d 1380 (J.P.M.L. 2010). Since that time, one additional action has been transferred to the Northern District of California. With the consent of that court, all such actions have been assigned to the Honorable Charles R Breyer.

It appears that the action on this conditional transfer order comprises claims relating to: (1) allegations that AutoZone, Inc., violated wage and hour laws by failing to provide meal and rest breaks, which involve questions of fact that are common to the previously transferred MDL No. 2159 actions; and (2) claims of racial discrimination, which do not involve such common questions of fact.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action is transferred under 28 U.S.C. §1407 to the Northern District of California for the reasons stated in the order of June 15, 2010, and, with the consent of that court, assigned to the Honorable Charles R Breyer.

Count I in this action, which does not relate to alleged violations of wage and hour laws, is separated and simultaneously remanded, under 28 U.S.C. § 1407(a), to the Central District of California.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of California. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

Oct 12, 2011

CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel